

REMARKS

In response to the aforementioned Office Letter, the applicant has made a minor typographical correction to page 2 of the Specification. With respect to the claims, the applicant has carefully amended the claims in order to more fully patentably define over the prior art of record.

In this respect, the applicant has attempted to more specifically define the purpose of the illumination apparatus and the purpose of the various components included therein. It is believed that these simple insertions into the claims clearly cause the claims to patentably distinguish over the prior art of record.

The Examiner, to a large extent, relied upon the Ochiai U.S. Patent No. 6,196,691 in combination with the Onishi et al. U.S. Patent No. 6,074,708. The Examiner took the position that Onishi discloses an illumination apparatus, which it does, and further contended that missing elements were supplied by Onishi. In an attempt to snuggle up to the prior art, the Examiner contends that Ochiai discloses an illumination apparatus which the Examiner contends is basically the same as that recited in claim 16 except for the LCD/organic display. Reconsideration of this position is respectfully urged.

At the outset, the device in Ochiai admittedly discloses an illumination device. However, that illumination device is really

presented in the form of a light guide used with liquid crystal displays. Moreover, the device of Ochiai serves a rather different function than that taught and claimed in the instant application. Ochiai uses a florescent light as the source of light. The issues relating to the use of a florescent light are actually different from those relating to the use of light emitting diodes, as taught in the instant application. The problem which Ochiai attempts to solve is to provide a substitute for the florescent tubes 34 which cannot be used in applications requiring compactness. Therefore, this along with the need for downsizing of the liquid crystal display panel, requires the use of light emitting diodes to make up the backlight.

Ochiai is actually a different device than anything taught in the instant application. The Onishi patent relied upon by the Examiner discloses the material physics of liquid crystal materials. The best that can be said of Onishi is that Onishi discloses and is truly interested in a photo-initiator. Onishi goes into great length with regard to the chemical structure of the photo-initiator. However, it is not entirely correct to say that Onishi discloses an LCD device comprising liquid crystal materials. Admittedly, Onishi is concerned with LCD devices but really discloses liquid crystal materials and organic mixtures which provide for photo-initiation.

The Examiner knows there must be some suggestion that references can be combined. In short, it appears as though the Examiner is picking and choosing elements of a claim almost with total disregard as to the environment in which those elements are used and then attempting to find individual elements in the prior art, even if they are unrelated to the present invention. The Examiner has essentially chosen limitations from at least these two references in view of the claims of this application in an impermissible attempt to reconstruct the applicant's invention.

It is important to recognize that it is the applicant who is the first to teach of an illumination apparatus with backlighting using LCD organic displays, and a panel containing high intensity light sources with a diffuser of the type claimed to soften the light and present a uniform appearance. Ochiai, on the other hand, is desirous of allowing longitudinal bright lines from pinpoint light sources so that the light can be spread laterally on the surface of a guide plate. This has essentially nothing to do with the teachings of the instant application.

In WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 51 USPQ 2d 1385, 1397 (Fed. Cir. 1999).

"However, there still must be evidence that "a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the

elements from the cited prior art references for combination in the manner claimed." In re Rouffet, 149 F.3d at 1357, 47 USPQ2d at 1456; see also In re Werner Kotzab, 217 F.3d 1365, 1371, 55 USPQ 2d 1313, 1317 (Fed. Cir. 2000) ("[A] rejection cannot be predicated on the mere identification... of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.").

It has also been established that a rejection cannot be based on the mere identification of individual components, but rather, findings must be made as to the reason why the skilled artisan, with no knowledge of the invention being claimed, selected these components for combination. Moreover, he must have selected these components in essentially the same manner, as claimed. Ochiai cannot be combined with Onishi in the manner as suggested by the Examiner, since the Onishi reference has nothing to do with the purpose of the invention. See Rohm and Haas Company v. Owens-Corning Fiberglass Corporation 196 USPQ 726 (1977 D.C. Ala.):

"The fact that, while all materials for accomplishing the invention were available to those skilled in the art, they did not avail themselves thereof, evidences invention." United States v. Adams, 383 U.S. 39, 51-52, 148 USPQ 478, 483-484 (1966); Copease Mfg. Co. v. Cormac Photocopy Corp., 242 F.Supp. 993, 1008, 146 USPQ 109, 121-122 (S.D. N.Y. 1965); Gilbert Spruance Co. v. Ellis-Foster Co., 114 F.2d 771, 773, 46 USPQ 535, 536-537 (3d Cir. 1940).

The Examiner has also dismissed critical limitations in certain of the claims. As a simple example, claims 20 and 21 call for a cover made of polycarbonate glass. It is impermissible for the Examiner merely to find a reference dealing with polycarbonate glass unless that reference teaches of a cover made of such material. The same holds true for diffuser panels made of polycarbonate, as taught for example, in claim 23, or of glass, as taught for example, in claim 24. It is the law that the Examiner must consider each and every limitation in a claim. The Examiner cannot merely dismiss that limitation or conveniently overlook the limitation because there are other limitations used in combination with the one missing limitation.

The Examiner also cited and attempted to rely upon the Shimada reference arguing that Shimada discloses an LCD apparatus comprising a backlit unit 530. Again, Shimada discloses an entirely different device. Shimada is actually dealing with a device in which there is a plate 233 having a projection 237 and a diffusion plate 239 mounted in that projection. Shimada is desirous of forming a closed space. No such requirement is present in the instant application. To argue that Shimada discloses backlighting in a LCD apparatus does not respond to the claims of this application. The applicant is not contending he is the first

to backlight display panels. However, the applicant is contending that he is the first to provide backlighting for an LCD display panel with the other components defined in the claims of this application.

Again, it is impermissible for the Examiner to rely upon the broad breast strokes of a prior art reference and conveniently overlook the important limitations in the claims. Notwithstanding and contrary to the position of the Examiner, Shimada does not disclose a device of the type claimed in which there is a panel of high intensity light sources, a diffuser panel and an LCD/organic display panel as a backlighting mechanism. Even though Shimada discloses a display apparatus, it does not teach of a display apparatus of the type taught in the instant application.

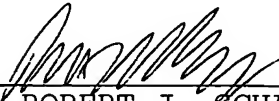
The Examiner also cites the Holmes U.S. Patent No. 4,243,719. The best that can be said of the Holmes patent is that it discloses a method for reinforcing glass laminates and particularly, hydrophillic synthetic resinous panels. However, Holmes does not describe the fact that this polycarbonate is going to be used in LED display panels and particularly in panels in which LCD/organic displays are employed. As the Examiner knows, LCDs are the not the equivalent of LEDs. Finally, the Examiner relies upon Nishio and Chen. Since the Examiner cannot meet and respond to the major limitations of these claims, these references add little to support the rejection of the Examiner.

In summary, with respect to the cited references, Onishi et al. does not deal with LED backlighting. It primarily deals with a gas lighting device. The Ochiai patent does not deal with backlighting. It is an edge lighted device. Moreover, it is concerned with backlighting the use of LEDs. Finally, Shimada et al. is a linear light source, not a pin point light source similar to LEDs. Finally, Chen and Holmes have nothing to do at all with LED backlightings. In the case of Holmes, the device is a laminate for bonding a hydrophilic layer thereto.

Based on the foregoing, reconsideration of the rejection and allowance of the claims as submitted herewith is respectfully solicited.


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